

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
Amendment of Part 97 of the Commission's Rules	)	
Regarding Amateur Radio Service	)	WP Docket 10-72
Communications During Government Disaster	)	
Drills	)	

COMMENT filed in OPPOSITION

Several problems exist in the current wording of FCC WP Docket 10-72. Each issue should cause the entire proposal to fail unless addressed and resolved by Commission staff.

Initially, the agency fails to define the condition of "sponsorship" by a government entity as a pre-requisite for the conducting of proposed non-emergency drills by paid staff of various non-government affiliates.

The Commission staff should define that the Sponsor of such a drill MUST be an active participant in each drill that is scheduled. This would prevent any endorsement-style sponsorships that are obtained by non-government groups of licensees and their employers wishing to utilize the spectrum of radio hobbyists without valid credentials that comply with the intent of this Proposal.

Digging deeper into the proposal, the following problems are identified as points this licensee OPPOSES unless the Agency will mitigate:

In Part III, DISCUSSION, point 6, the Commission says, in part:

*Accordingly, we propose that amateur operations in connection with emergency drills be limited to the duration and scope of the drill, test or exercise being conducted, and operational testing immediately prior to the drill, test or exercise.*

The agency fails to define the need for a pre-drill test. Without such a basis, a pre-drill test contradicts the Agency's presentation that the drill itself is the context for such testing. Moreover, without defined regulatory constraints, the duration of the drill itself is open-ended and can be continuous. This would allow ongoing claims to frequency spectrum for poorly-defined "testing," without a bona fide emergency.

To address these problems in the Commission's proposal, the concept of any pre-test testing should be discarded as redundant. Regarding unrestrained duration, staff should consider wording that limits, by time-unit, how long such non-emergency activity can be situated among frequencies used by radio hobbyists. This can consist of prescribed start-stop points, mandated by clock or calendar, or by other means that clearly prevent open-ended use absent a bona fide emergency.

In Part III, DISCUSSION, point 7, the Commission says, in part:

*Accordingly, we seek comment on whether we should permit employee operation of amateur stations during non-government-sponsored emergency drills, if the purpose of the drill is to assess communications capabilities, including amateur radio, in order to improve emergency preparedness and response.*

Here again, the agency fails to provide any regulatory definition of the duration and extent of such drills, leaving open the possibility a hospital corporation or other institution could, by virtue of being an emergency health care provider, assert that continuous communications on hobbyist frequencies constitute an ongoing test of "emergency preparedness." Moreover, the certification standards the hospital industry has established are mute in calling for the use of the Amateur Service. As such, hospitals wishing to include radio hobbyist equipment should endeavor to recruit local volunteers outside of their paid staff.

Non-government entities with an interest in having the Amateur Service in their infrastructure for emergency communications must include the outside community of radio hobbyists in such planning. Including this premise in the Regulation would preserve the longstanding tenet of the Amateur Service that licensees provide a trained corps of radio operators, and would preclude the rise of a "hospital class" of licensee, who appears on hobbyist frequencies at the behest of their employer for such testing and certification, without a parallel interest in the radio art and the ongoing, non-emergency pursuit of a communications hobby.